



FINAL MITIGATED NEGATIVE DECLARATION

Date of Publication of Preliminary Mitigated Negative Declaration:		June 4, 2005
Lead Agency:	San Francisco Planning Department 1660 Mission Street, 5th Floor, San Francisco, CA 94103	
Agency Contact Person:	Randall Dean	Telephone: (415) 558-5980
Project Title:	2004.0924E: 837-847 Montgomery Street	
Project Sponsor:	k2k Development	
Contact Person:	Andrew Junius	Telephone: (415) 567-9000
Project Address:	837-843 and 847-851 Montgomery Street	
Assessor's Block and Lot:	Assessor's Block 0176; Lot 29	
City and County:	San Francisco	

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REFERENCE BOOK

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s of the State Secretary for Resources Sections 15064 (Determining Significant
Significance), and 15070 (Decision to Prepare a Negative Declaration), and the
Initial Study for the project, which is attached.

mitigation measures are included in this project to avoid potentially significant effects: See pages 32-34.

Final Mitigated Negative Declaration adopted and issued on June 29, 2005.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a
significant effect on the environment.

PAUL E. MALTZER
Environmental Review Officer

cc: Supervisor Aaron Peskin - District 3
Andrew Junius, for the Project Sponsor
Mark Luellen, NE Quadrant Planner

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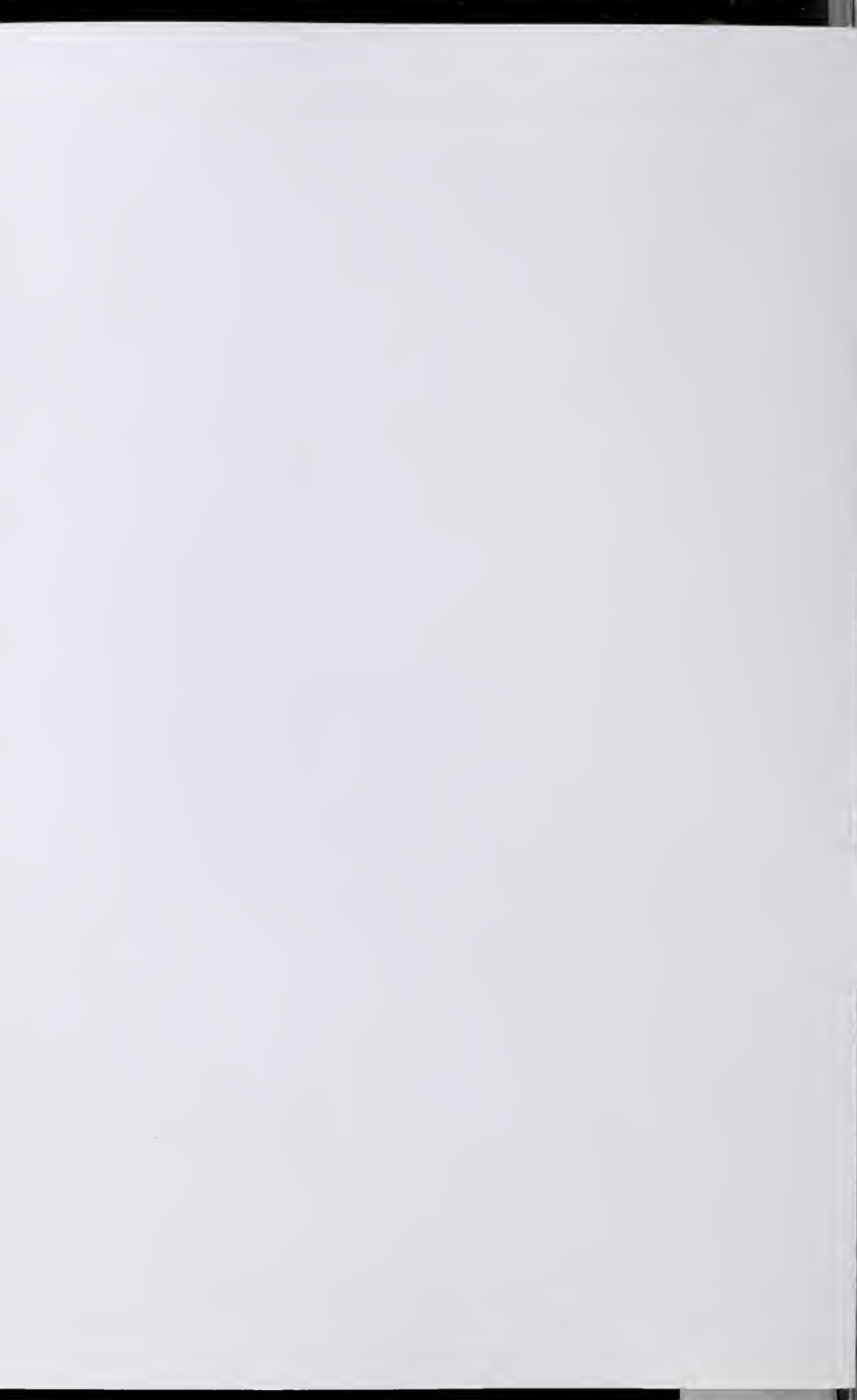
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845 Montgomery Street

2004.0924E



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Project Description: The proposed project site is located at 837-843 and 847-851 Montgomery Street, between Pacific Avenue and Jackson Street in San Francisco's Jackson Square Historic District. The site is occupied by two buildings that read as one unified facade from Montgomery Street and that were constructed in 1911-1912. Together, the two structures are referred to by the project sponsor as "845 Montgomery Street." The proposed project would rehabilitate, seismically upgrade, and renovate the two vacant buildings, and convert them to residential uses and ground-floor retail space. The project would construct 13 residential units, about 3,215 gross square feet (gsf) of ground floor retail space, and basement parking for nine vehicles. The project would convert the buildings into one condominium building, add two floors, and also restore the missing storefront of the building. The buildings are Contributory to the Jackson Square Historic District under Article 10 of the San Francisco Planning Code. The project also proposes to acquire the light and air rights over the neighboring property to the south (831 Montgomery Street), which would effectively maintain 831 Montgomery Street as a single-story structure.

The proposed project requires a Certificate of Appropriateness under Planning Code Article 10 for alterations to a Contributory resource within a historic district. The project also requires a Variance from requirements for Rear Yard, Unit Exposure, Open Space Exposure, and Parking.

The project site is located in a C-2 (Community Business) Zoning District and a 65-A Height and Bulk District. The site is also located within the Jackson Square Historic District.

THIS PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. This finding is based upon the criteria of the Guidelines of the State Secretary for Resources Sections 15064 (Determining Significant Effect), 15065 (Mandatory Findings of Significance), and 15070 (Decision to Prepare a Negative Declaration), and the following reasons, as documented in the Initial Study for the project, which is attached.

Mitigation measures are included in this project to avoid potentially significant effects: See pages 32-34.

Final Mitigated Negative Declaration adopted and issued on June 29, 2005.

In the independent judgment of the Planning Department, there is no substantial evidence that the project could have a significant effect on the environment.


PAUL E. MALTZER
Environmental Review Officer

cc: Supervisor Aaron Peskin - District 3
Andrew Junius, for the Project Sponsor
Mark Luellen, NE Quadrant Planner
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INITIAL STUDY
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I. PROJECT DESCRIPTION

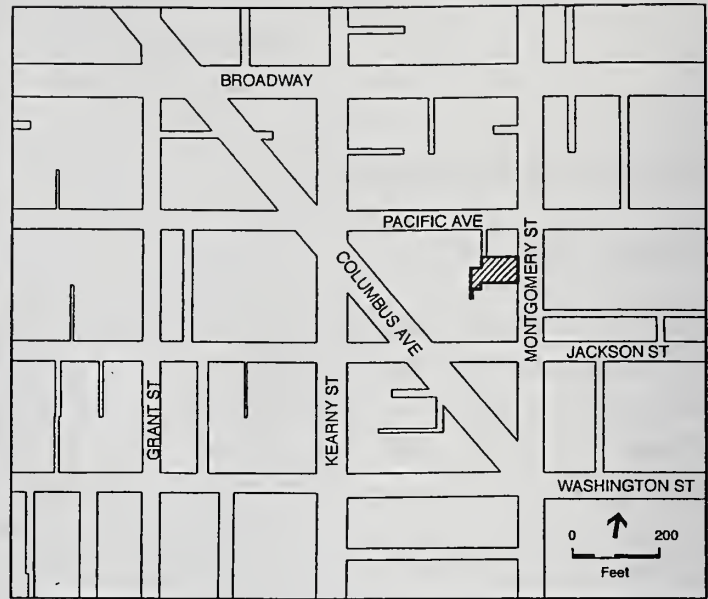
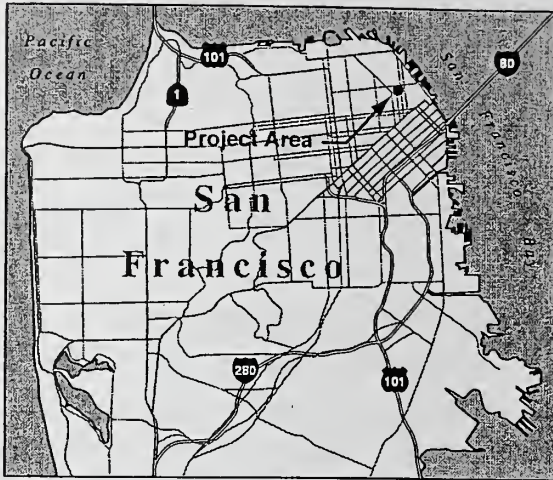
PROPOSED PROJECT


The project sponsor, k2k Development, proposes to convert two existing buildings located at 837-843 and 847-851 Montgomery Street (Assessor's Block 0176; Lot 29) to one residential building. The project would result in 13 residential units, nine parking spaces and approximately 3,215 gross square feet (gsf) of retail space on an approximately 6,800-square-foot site in San Francisco's Jackson Square Historic District (see Figure 1). The project would construct two additional stories on the buildings, increasing the overall building height to about 59 feet,¹ resulting in a net addition of 1,840 gsf of building space. The project also proposes to acquire the light and air rights over the neighboring property to the south (831 Montgomery Street), which would effectively maintain 831 Montgomery Street as a single-story structure.

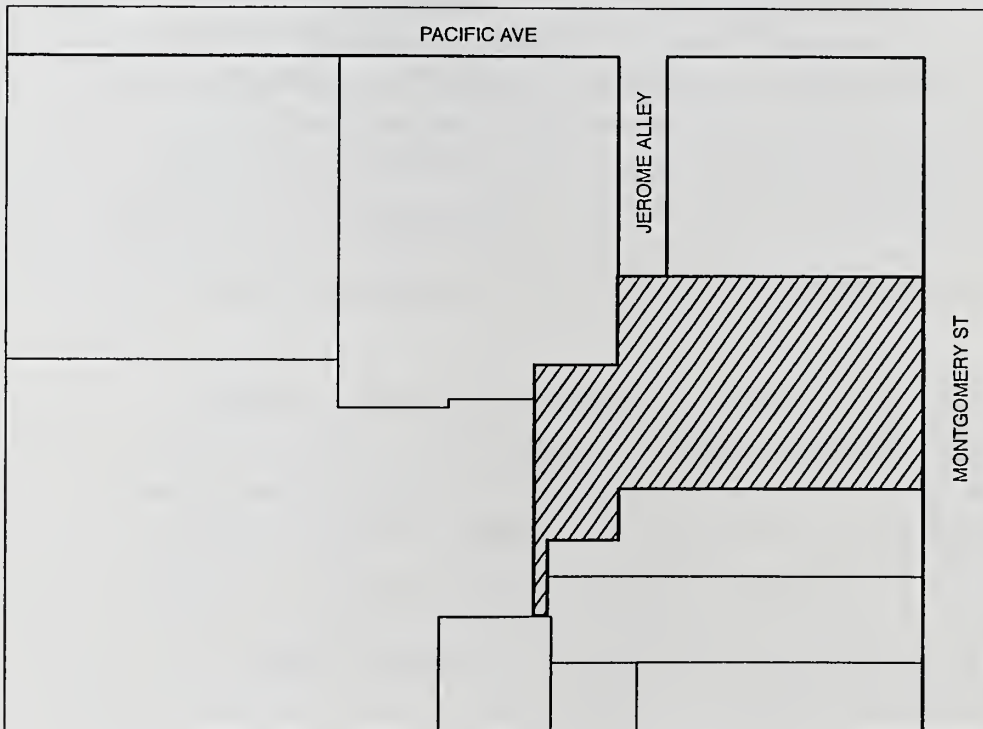
The project site is currently occupied by two buildings that read as a single facade from Montgomery Street, and together contain approximately 25,782 gsf of space in a basement and three floors above. These buildings were constructed in 1911-1912 for Britton & Rey Company to designs by prominent architect Albert Pissis. The buildings originally provided lodging house and hotel accommodations with ground floor retail/tavern/restaurant uses; however, over time, the buildings have been modified to accommodate office uses on the upper floors. At present, the buildings are vacant and partially open to the outside, following substantial interior demolition and removal of the Montgomery Street ground-floor frontage associated with a previous project to renovate the buildings for office use that was halted in mid-construction; the ground floor is obscured by a temporary wooden barricade and covered construction walkway.

The proposed project would rehabilitate the ground floor retail facade consistent with the scale and rhythm of its original 1910 design but with modern materials, including painted steel H-beams dividing storefront windows, a painted metal transom with metal panels beneath the windows, oak double doors, brick columns between each set of windows, and a granite plinth at the base of each brick column. The project would re-establish about 3,215 gsf of retail space at the street level. The ground floor would also include one residential unit, and a residential lobby. The second and third floors of the historic building would each have four residential units and the proposed two-story addition would accommodate an additional four two-level residential units on the fourth and fifth floors.

¹ All building heights are measured from the midpoint of the Montgomery Street facade. Building height is measured to the roof and does not include stair penthouses, which may extend an additional 10 feet provided they do not cover more than 20 percent of the roof (Planning Code Sec. 260(b)(1)(B)). Building height also excludes glass railing around roof decks (Planning Code Sec. 260(b)(2)(A),(C)).



 Project Site



 Project Site

029 Lot Number

0 50
↑
Feet

SOURCE: ESA

2004.0924E: 845 Montgomery Street . 205176

Figure 1
Project Location

The project proposes a two-story addition on the existing buildings that would be constructed with contemporary building materials. The proposed addition would be set back from Montgomery Street in a stepped configuration that would render the addition invisible when viewed from the sidewalk on the opposite side of Montgomery Street, and completely invisible from directly in front of the building. The new fourth floor would be set back about 17 feet from the street; the new fifth floor, about 30 feet. Two rooftop stair enclosures would be set back a further 12 feet, for a total setback of 42 feet from Montgomery Street.

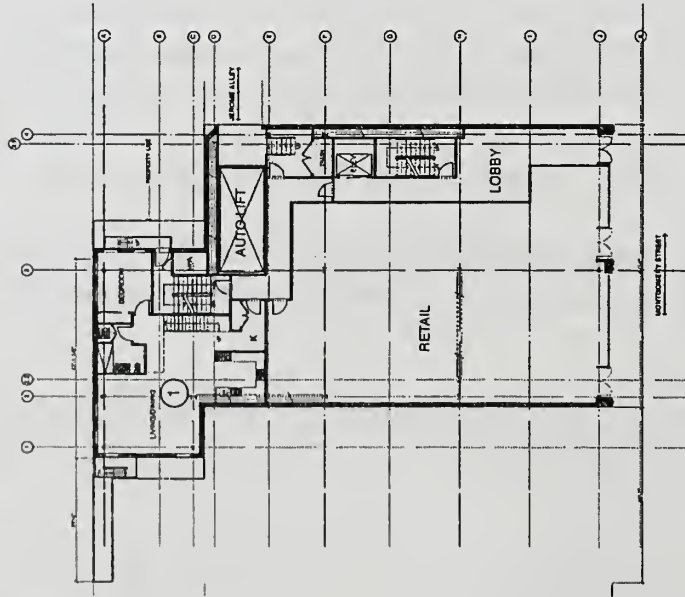
The two-story addition would also step back from the project site's southern property line by about 6 feet at the new fourth floor, and by about 10 feet at the new fifth floor. The stair enclosures would be 15 feet from the building's existing south wall. The project also proposes to acquire the light and air rights over the neighboring property to the south (831 Montgomery Street), which would effectively maintain 831 Montgomery Street as a single-story structure.

Open space for the residential units would be provided through a combination of roof decks at levels four and five and atop the roof, and south-facing decks at levels two and three. Most of the second- and third-floor decks would be developed inside the walls of the existing building by creating unglazed paired openings, measuring about 9 feet by 7 feet (with brick or metal posts 6 to 10 inches wide separating the two halves of the opening), within the existing south wall of the building and building a new exterior wall 6 feet inside the existing brick wall. These decks would be covered with a steel grating (which would be the floor of the deck above) to allow light and air to permeate from above. One unit on each of the first, second, and third levels would not have its own deck; these three units would have access to a shared (but private) deck on the roof of the building. The other roof decks would serve the units on levels four and five. The roof decks would be surrounded by clear glass railings to a maximum height of four feet. Figures 2 through 4, pp. 2-6 depict proposed floor plans and elevations.

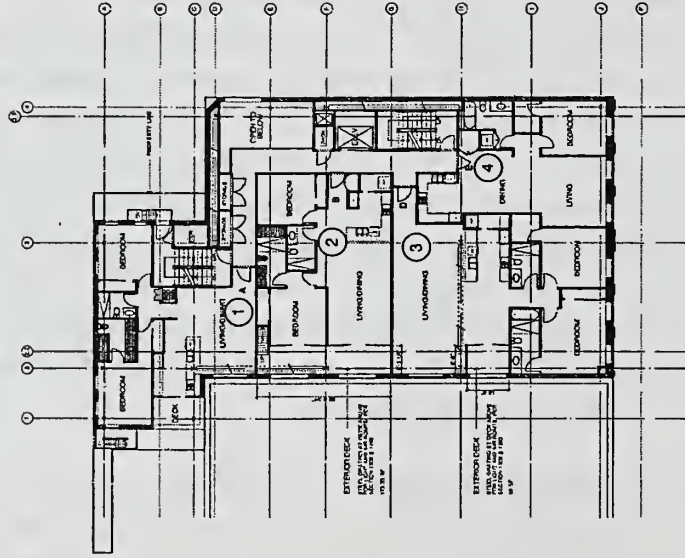
The project would also seismically upgrade the building foundations, install a new structural steel brace frame system and other structural features and upgrades that would bring the building into compliance with contemporary seismic standards. The nine parking spaces would be located in the existing basement and would be accessed by Jerome Alley and an auto lift, to be installed in the building that would move vehicles to the parking level below grade. The project would include nine off-street parking spaces within the existing basement area that would be accessible via Jerome Alley located off of Pacific Avenue. The project would install 12.5-foot at-grade garage door as well as an auto lift to provide access to the parking. Additional excavation would not be necessary to accommodate the parking facility.

The project site is located in a C-2 (Community Business) Use District, and a 65-A Height and Bulk District (65-foot maximum height limit, and bulk limitations which allow plan dimensions to a maximum of 110 feet [horizontal] and 125 feet [diagonal]).

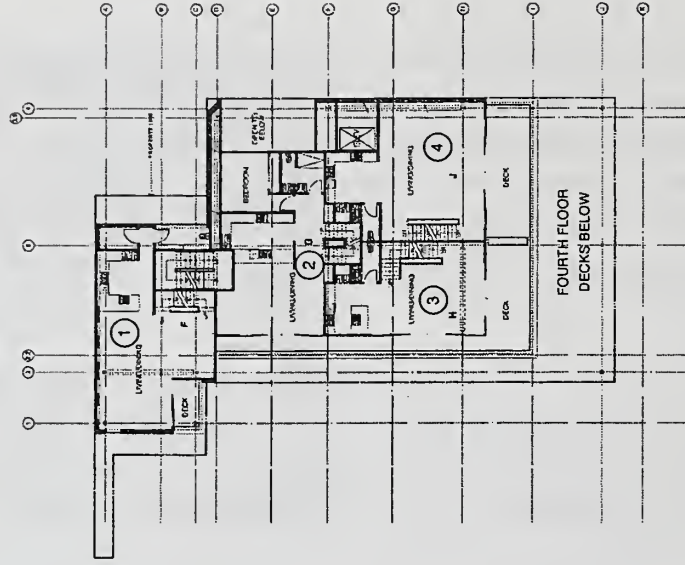
Project construction is anticipated to begin in mid-2005, and would occur over approximately 10 months. The project architect is LDA Architects of San Francisco.



Ground Floor



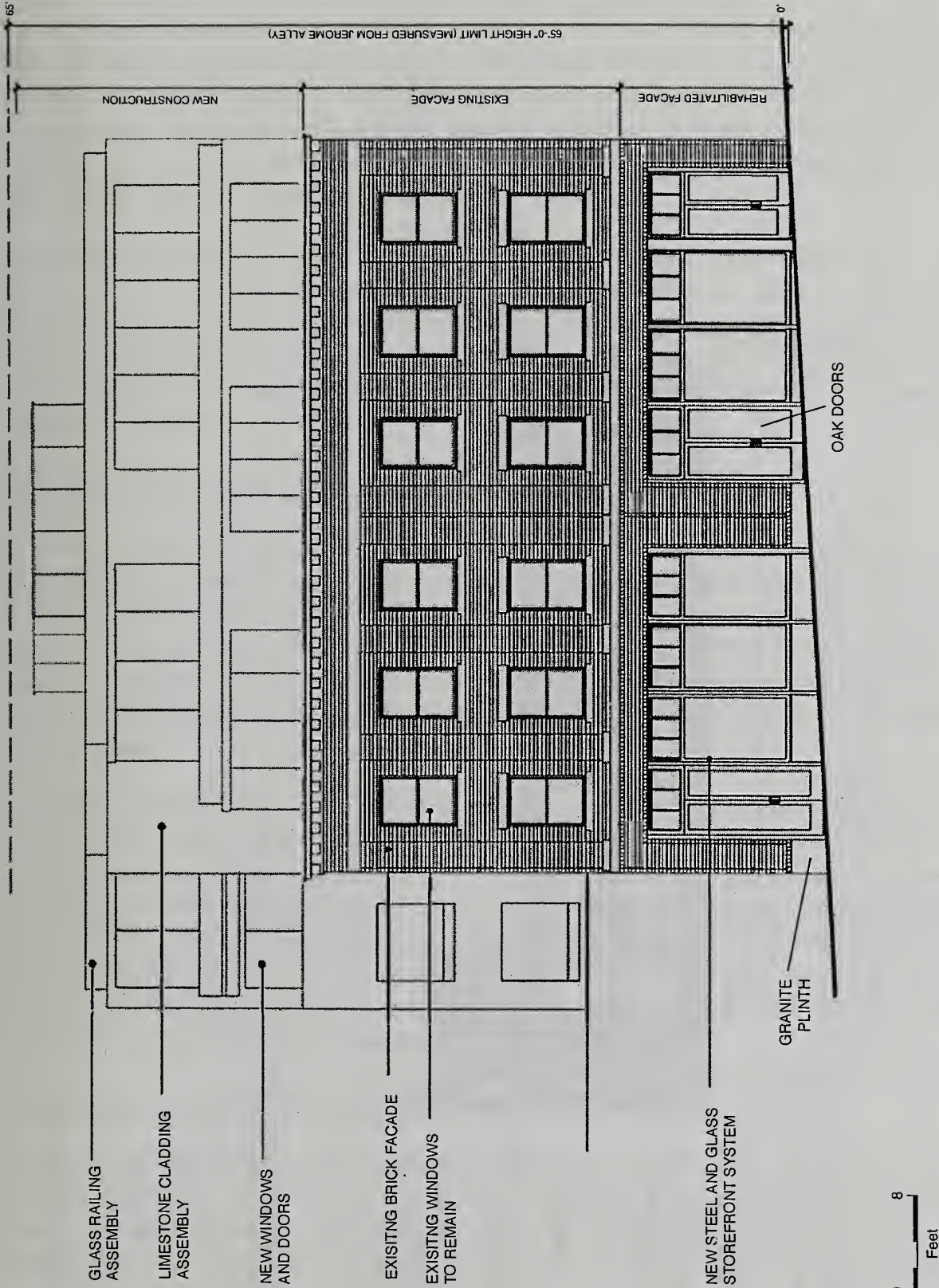
Second Floor



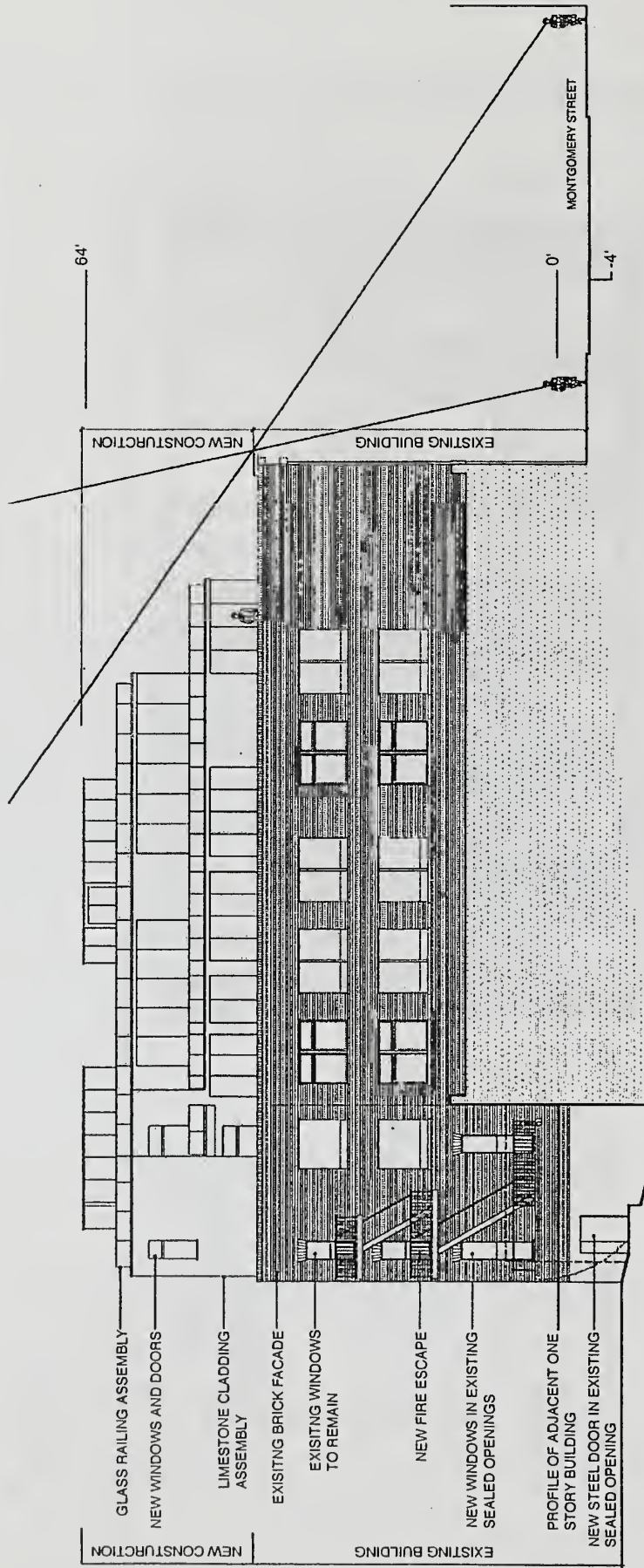
Fifth Floor

① Residential Unit





2004.0924E: 845 Montgomery Street . 205176
Figure 3
 Montgomery Street Elevation



NOTE: 0' Elevation measured from Jerome Alley
Schematic; not drawn to scale

PROJECT SETTING

The 6,800 square-foot project site is within the boundaries of the locally-designated Jackson Square Historic District, which is subject to Article 10 – Preservation of Historical Architectural and Aesthetic Landmarks of the San Francisco Planning Code under Appendix B, Jackson Square Historic District. The Historic District consists of about four blocks, generally bounded by Washington Street to the south, Sansome Street to the east, Columbus Avenue to the west, and a northern boundary that transects the blocks between Broadway and Pacific Avenue.

The Jackson Square Historic District includes San Francisco's oldest surviving commercial area, located just north of Downtown, with some buildings in the district dating back to the 1850s and 1860s. The district includes a mix of land uses, including a number of antique shops, decorators and designers. The district is predominantly oriented to pedestrians rather than automobiles, and there are no major through arteries. Standard brick masonry is the predominant building material in the district, and the majority of buildings are under 40 feet in height.

APPROVALS REQUIRED

As described above, the project site is within a C-2 Use District. The proposed project, including 13 residential units, nine off-street parking spaces and about 3,215 gsf of retail space, would be permitted in this zoning district. The project site is within a 65-A height and bulk district, which limits building height to 65 feet, and limits building plan dimensions to a maximum of 110 feet (horizontal) and 125 feet (diagonal). The project would result in the construction of two additional floors on the existing buildings, and would result in an approximate height of 59 feet, and therefore, comply with the site's height and bulk designation.

The project would require approval of a Certificate of Appropriateness, as specified in Planning Code Section 1006, for alterations to contributory buildings within an historic district. The Landmarks Preservation Advisory Board would review the request for a Certificate of Appropriateness and make its recommendation to the Planning Department and Planning Commission. The project would also require authorization of a Variance from the following Planning Code requirements: Rear Yard (Section 134), Dwelling Unit Exposure (Section 140), Open Space Exposure (Section 135(f)(g)), and Parking (Section 151). The project would also require building permits, which would require review and approval by the Planning Department and Department of Building Inspection.

II. ENVIRONMENTAL EFFECTS

All items on the Initial Study Checklist have been checked "No," indicating that, upon evaluation, staff has determined that the proposed project could not have a significant adverse environmental effect. Several of those Checklist items have also been checked "Discussed," indicating that the Initial Study text includes discussion about that particular issue. For all of the items checked "No," without discussion, the conclusions regarding potential significant adverse environmental effects are based upon field

observation, staff experience and expertise on similar projects, and/or standard reference material available within the Department, such as the Department’s Guidelines For Environmental Review: Transportation Impacts, or the California Natural Diversity Data Base and maps published by the California Department of Fish and Game. For each checklist item, the evaluation has considered the impacts of the project both individually and cumulatively.

III. ENVIRONMENTAL EVALUATION CHECKLIST AND DISCUSSION

A. COMPATIBILITY WITH EXISTING ZONING AND PLANS	Not	
	<u>Discussed</u>	<u>Applicable</u>
1) Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	<u>X</u>	<u></u>
2) Discuss any conflicts with any adopted environmental plans and goals of the City or Region, if applicable.	<u>X</u>	<u>X</u>

The San Francisco Planning Code implements the San Francisco General Plan, and governs permitted uses, densities and configuration of buildings within San Francisco. The Code incorporates by reference the City Zoning Maps. Permits to construct new buildings or to alter or demolish existing ones may not be issued unless the proposed project conforms to the Code or an exception is granted pursuant to provisions of the Code. Approval of the proposed project would result in intensification of development on the project site, the specific impacts of which are discussed below under the relevant topic heading(s).

The project site is within a C-2 Use District, where retail, office, restaurant, and residential uses are permitted. The project site is also within a 65-A height and bulk district, which allows a 65-foot maximum height limit, and limitations bulk which allow plan dimensions to a maximum of 110 feet (horizontal) and 125 feet (diagonal). The project would construct two additional floors on the existing buildings, and would result in an approximate height of approximately 59 feet, and therefore, would comply with the site’s height and bulk designation.

Section 151 of the Planning Code requires one parking space for each residential unit; Section 155(c) requires these spaces to be independently accessible. The proposed project would provide nine parking spaces (less than one space per unit), and would seek a variance to the Planning Code requirement. Each of the nine parking spaces would be independently accessible via the auto lift. Off-street parking would not be provided for the 3,215 gsf of retail space, and none is required under Planning Code Section 151 for retail uses of less than 5,000 square feet of occupied floor area.² The project would not be required to provide any loading spaces (Section 152 of the Planning Code), and none are proposed.

The project site is a contributor to the Jackson Square Historic District, which is subject to Article 10 – Preservation of Historical Architectural and Aesthetic Landmarks of the San Francisco Planning Code under Appendix B, Jackson Square Historic District. The project would therefore require a Certificate of Appropriateness pursuant to Planning Code Section 1006 for alterations to the on-site buildings. The

² Occupied floor area excludes certain areas such as exterior walls, restrooms, building mechanical equipment, etc., and is therefore smaller than gross floor area.

Landmarks Preservation Advisory Board would review the request for a Certificate of Appropriateness and make its recommendation to the Planning Department and Commission.

The project would also require Exceptions for the following: Rear Yards (Section 134), Unit Exposure (Section 140), and Open Space Exposure (Section 135(f)(g)). The project would also require building permits, which would require review and approval by the Planning Department and Department of Building Inspection.

Environmental plans and policies, like the *Bay Area 2000 Clean Air Plan*, directly address physical environmental issues and/or contain standards or targets that must be met in order to preserve or improve specific components of the City's physical environment. The proposed project would not obviously or substantially conflict with any such adopted environmental plan or policy.

The San Francisco General Plan, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The compatibility of the project with General Plan policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project, and any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project. The project site is not within any of the area plans contained in the San Francisco General Plan.

In 1986, the voters of San Francisco passed Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the City Planning Code to establish eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; maximization of earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), or adopting any zoning ordinance or development agreement, the City is required to find that the proposed project or legislation is consistent with the Priority Policies. The Planning Commission motions for the proposed conditional use authorization and the Certificate of Appropriateness would each contain the analysis determining whether the project is in conformance with the Priority Policies.

B. ENVIRONMENTAL EFFECTS

1) <u>Land Use</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Disrupt or divide the physical arrangement of an established community?	_____	<u>X</u>	<u>X</u>
(b) Have any substantial impact upon the existing character of the vicinity?	_____	<u>X</u>	<u>X</u>

The project site consists of two buildings, 839-843 and 847-851 Montgomery Street, constructed in 1911-1912 for Britton & Rey Company. Together the buildings provide about 25,782 gsf of space in a basement and three floors above. The buildings originally provided lodging house and hotel accommodations with ground floor retail/tavern/restaurant uses; however, over time, the buildings have been modified to accommodate other uses. From about 1935 to the 1950s, the buildings were modified to house various commercial uses on the ground floor and residential apartments above. The ground floor retail space has evolved through several tavern and restaurant uses, eventually becoming the famous Ernie's Restaurant, and most recently the Essex Supper Club. During the 1960's, the upper floors were converted incrementally to office space. Presently, the site is vacant and partially open to the outside, following substantial interior demolition and removal of the Montgomery Street frontage associated with a previous project to renovate the buildings as office space that was halted in mid-construction.

Existing uses in the project vicinity include offices, furniture and antique showrooms, restaurants, and other ground floor retail establishments. Upper stories are primarily in office use.

The proposed project would provide 13 residential units, nine parking spaces, and about 3,215 gsf of retail space on the site. The project's mix of ground floor retail space and residential uses on the floors above would re-establish historic uses on the site. Additionally, the project would contribute to the mixed-use character of the neighborhood, which includes commercial and residential uses, as well as restore the missing storefront, which would benefit the building and surrounding historic district. The project's proposed ground floor retail space would be expected to contribute to an active street/pedestrian level along Montgomery Street. Therefore, in terms of land use, the project would not disrupt or divide the physical arrangement of the community and would not result in a negative effect upon the character of the area. In light of the above, the project effects related to land use would not be significant.

2) <u>Visual Quality</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Have a substantial, demonstrable negative aesthetic effect?	_____	<u>X</u>	<u>X</u>
(b) Substantially degrade or obstruct any scenic view or vista now observed from public areas?	_____	<u>X</u>	<u>X</u>
(c) Generate obtrusive light or glare substantially impacting other properties?	_____	<u>X</u>	<u>X</u>

The proposed project would convert the existing buildings to residential uses, and would rehabilitate the ground floor frontage, which was removed by a previous project. The project would reconstruct the ground floor facade to reflect its original 1910 design based on original drawings by architect Albert Pissis. In addition, the upper floors of the Montgomery Street facade would be preserved in their original design. Because the project would rehabilitate the ground floor frontage and preserve the upper floor design, the project would not result in a demonstrable negative aesthetic effect.

The project proposes a two-story addition on the existing buildings that would be constructed with contemporary building materials. The proposed two-story addition would be set back from Montgomery Street in a stepped configuration that would render the addition invisible from directly in front of the building as well as from the sidewalk on the opposite side of Montgomery Street. The two-story addition would also step back from the project site's southern property line by about 10 feet to limit visibility. Because the neighboring property to the south (831 Montgomery Street) is one story in height, portions of the addition to the project buildings would be visible from the east sidewalk of Montgomery Street when seen over this adjacent building.³ Because views of the proposed two-story addition would generally be limited, the proposed project would not degrade or obstruct any scenic view or vista.

The project site is currently vacant, thus the proposed project would be more noticeable than existing conditions because it would introduce residential lighting to the site. However, the project would result in removal of the existing construction barricade, which would be considered a visual benefit of the project. Exterior residential lighting at building entryways would be positioned to minimize glare. Lighting would not be in excess of that commonly found in urban areas. The project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass. Therefore, environmental effects of light and glare due to the project would not be significant.

In light of the above, the project would not result in significant effects related to visual quality.

³ As noted in the Project Description, the project includes acquisition of air rights atop 831 Montgomery Street, meaning that no vertical expansion could occur at this adjacent building. Therefore, part of the proposed two-story addition on the project site would continue to be visible over the top of 831 Montgomery, as would part of the south wall of the existing building at 839-843 Montgomery Street.

3) <u>Population</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Induce substantial growth or concentration of population?	_____	<u>X</u>	<u>X</u>
(b) Displace a large number of people (involving either housing or employment)?	_____	<u>X</u>	<u>X</u>
(c) Create a substantial demand for additional housing in San Francisco, or substantially reduce the housing supply?	_____	<u>X</u>	<u>X</u>

The proposed project would provide 13 new residential units, about 3,215 gsf of ground floor retail space, and basement parking for nine vehicles. The project would increase the on-site population by approximately 18 persons.⁴ The 2000 U.S. Census indicates that the population in the project vicinity⁵ is approximately 759 persons. The proposed project would increase the population near the project site by an estimated two percent, and the overall population of the City and County of San Francisco by less than 0.01 percent.⁶

As discussed above, the addition of 13 residential units would increase the population on the site. While potentially noticeable to adjacent neighbors, the project's population increase would not result in a substantial increase to the existing area-wide population. Therefore, the project's impact on population would not be considered a significant effect.

The project would also construct approximately 3,215 gsf of retail space that would employ about nine people.⁷ In San Francisco, approximately 642,500 jobs were estimated in 2000.⁸ The project-related employment growth with respect to the total employment estimates in the City would be negligible (less than 0.01 percent), and it would be expected that most of these new jobs would be filled by existing San Francisco residents.

The project site is presently vacant, and the space was last used as a restaurant (Ernie's Restaurant and Essex Supper Club) on the ground floor and basement, and office space on the second and third floors. Therefore, the proposed project would not result in the displacement of persons or housing.

In view of the above, the project would not result in significant effects related to population and housing.

⁴ The project site is contained in Census Tract 115, which generally bounded by Pacific Avenue to the north, Sacramento Street to the south, Kearny Street to the west and Battery Street to the east. The population calculation is based on Census 2000 data for Census Tract 115, which estimates 1.39 persons per occupied dwelling unit.

⁵ The project vicinity is considered all of Census Tract 115, which contains roughly 12 blocks between Pacific Avenue, Battery, Sacramento and Kearny Streets. The population estimate for Census Tract 115 is based on data from the 2000 Census.

⁶ This calculation is based on the estimated Census 2000 population of 776,733 persons in the City and County of San Francisco. The U.S. Census updates annual population estimates at various levels (national through city), which are available at different times throughout the year. Currently, the 2004 population estimates are available for the City of San Francisco, but not for the Census Tract level. To utilize the most recently available information, the 2003 data is utilized at the city level and the 2000 data is utilized for the Census Tract discussion.

⁷ Based on a standard multiplier of 350 square feet per employee, per San Francisco Planning Department *Transportation Impacts Analysis Guidelines for Environmental Review*, October, 2002.

⁸ Association of Bay Area Governments (ABAG), *Projections 2005 San Francisco Summary Table*, 2004.

4) <u>Transportation/Circulation</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	_____	<u>X</u>	<u>X</u>
(b) Interfere with existing transportation systems, causing substantial alterations to circulation patterns or major traffic hazards?	_____	<u>X</u>	<u>X</u>
(c) Cause a substantial increase in transit demand which cannot be accommodated by existing or proposed transit capacity?	_____	<u>X</u>	<u>X</u>
(d) Cause a substantial increase in parking demand which cannot be accommodated by existing parking facilities?	_____	<u>X</u>	_____

Project Area

The project site is located at 845 Montgomery Street, between Pacific Avenue and Jackson Street. In the project area, Sansome, Battery, and Sacramento Streets are Transit-Oriented (Transit Preferential) Streets, while the Embarcadero and Columbus and Kearny (south of Columbus) Streets are Transit-Important (Transit Preferential) Streets, and Montgomery Street (south of Columbus) is a Secondary Transit Street. Broadway, Columbus, Sansome, Battery, the Embarcadero, and parts of Davis and Drumm Streets are included in the Metropolitan Transportation System network. Primary Muni lines serving the project area include the 10-Townsend on Sansome and Battery Streets; the 12-Folsom on Broadway and the Embarcadero; the 15-Third Street and 41-Union on Columbus Avenue; and the F-Market and Wharves streetcar on the Embarcadero; other express routes also serve the area, as does Golden Gate Transit. Nearby bicycle routes include Route 10 on Broadway, Route 5 on the Embarcadero, and Route 11 on Columbus Avenue.

Traffic

The proposed 13 dwelling units would be expected to generate approximately 130 daily person-trips, including about 22 person-trips in the p.m. peak hour, based on the Planning Department's transportation analysis guidelines. The approximately 3,215 gsf of ground floor retail space would generate about 480 daily person-trips with about 43 p.m. peak-hour person-trips, for a total of 610 daily person-trips and about 65 p.m. peak-hour person-trips. Based on Planning Department Guidelines and 2000 census travel mode data for residents within Census Tract 115, which includes the project site, the project would generate about 110 daily vehicle trips, with about 11 p.m. peak-hour vehicle trips. Thus, the project would be expected to generate less than one vehicle per minute during the p.m. peak hour, and project traffic would not result in a noticeable effect on nearby streets or intersections. Therefore, the project would not result in a significant traffic impact.

Transit

The project would be expected to generate up to about 16 p.m. peak-hour transit trips, of which about 9 transit trips would result from the 13 residential units, and the remainder, from the retail space. Because transit trips would be dispersed over several Muni lines, and because some riders would use other lines and other carriers, the impact due to the project would not significantly affect transit operations.

Parking

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

For the 13 residential units, parking demand would be 20 spaces, based on the Planning Department Guidelines, while for the retail use, the demand would be for another 20 spaces, for a total demand of 40 spaces. It should be noted that the peak demand for the retail use would not necessarily overlap with that for the residential units. The project would provide nine parking spaces for the residential units, and no parking for the ground floor retail space.

Loading

The project would not include any off-street loading spaces, and none is required by the Planning Code. Based on Planning Department Guidelines, daily loading demand would amount to one truck per day, which would not result in any adverse effects on traffic or parking.

Pedestrian and Bicycle Conditions

Pedestrian and bicycle activity would increase incrementally as a result of the project, but to a degree that could be accommodated on local sidewalks and streets and that would not result in unusual safety concerns.

Construction Impacts

Project construction would last approximately 10 months. During the construction period, temporary and intermittent transportation impacts would result from truck movements to and from the project site. Truck movements during periods of peak traffic flow would have greater potential to create conflicts than during non-peak hours because of the greater numbers of vehicles on the streets during the peak hour that would have to maneuver around queued trucks. Any temporary sidewalk closure proposed during construction noise would be subject to review and approval by the Department of Public Works.

During project construction, the construction workers would have to compete for off-street parking in the project vicinity. Temporary parking demand from construction workers' vehicles and impacts on local intersections from construction worker traffic would occur in proportion to the number of construction

workers who would use automobiles, but would not be expected to substantially affect parking conditions in the project vicinity. This impact would be limited to the estimated 10-month construction period.

In summary, the project would not result in a significant effect with regard to transportation.

5) <u>Noise</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Increase substantially the ambient noise levels for adjoining areas?	_____	<u>X</u>	<u>X</u>
(b) Violate Title 24 Noise Insulation Standards, if applicable?	_____	<u>X</u>	<u>X</u>
(c) Be substantially impacted by existing noise levels?	_____	<u>X</u>	<u>X</u>

Traffic Noise

Generally, an approximate doubling of traffic volumes would be necessary to produce an increase in ambient noise levels noticeable to most people. Given the scale of the proposed project, traffic volumes would not likely double on area streets as a result of the project; therefore, the project would not cause a noticeable increase in the ambient noise level in the project vicinity.

Title 24 of the California Code of Regulations establishes uniform noise insulation standards for residential projects (including hotels, motels, and live/work developments). The Department of Building Inspection would review the final building plans to insure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission. This would avoid any significant effect on project residents.

Operational Noise

The proposed project would include mechanical equipment that could produce operational noise, such as heating and ventilation systems. These operations would be subject to the San Francisco Noise Ordinance, Article 29 of the San Francisco Police Code. This section establishes noise limits for fixed noise sources, such as building equipment. Compliance with Article 29, Section 2909, would minimize noise from building operations. Therefore, effects related to operational noise would not be significant.

Construction Noise

Project construction and facade work would temporarily increase noise in the project vicinity. Construction equipment would generate noise and possibly vibrations that could be considered an annoyance by occupants of nearby properties. No pile driving would be required as part of the project.

According to the project sponsor, the construction period would last approximately 10 months. Construction noise levels would fluctuate depending on construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers. Impacts would

generally be limited to the period during which seismic strengthening and construction of the additional two floors would occur. The proposed project would retain existing building walls; therefore, most of the project construction would occur in the building interior where noise impacts would be reduced by the existing exterior walls.

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the City Police Code). The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools (jackhammers, hoerammers, pile drivers, impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Ordinance prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of Public Works. The project must comply with regulations set forth in the San Francisco Noise Ordinance (Article 29 of the Police Code). There are no other projects known to be pending in the immediate project vicinity; therefore, potential cumulative impacts related to construction noise would be less than significant.

There are no noise-sensitive receptors, such as schools or hospitals, in the project vicinity that would be adversely affected by construction noise. Additionally, construction noise would be temporary and intermittent, and would not result in a significant impact. In light of the above, effects related to construction noise would not be significant.

6) <u>Air Quality/Climate</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation?	_____	<u>X</u>	<u>X</u>
(b) Expose sensitive receptors to substantial pollutant concentrations?	_____	<u>X</u>	<u>X</u>
(c) Permeate its vicinity with objectionable odors?	_____	<u>X</u>	_____
(d) Alter wind, moisture or temperature (including sun shading effects) so as to substantially affect public areas, or change the climate either in the community or region?	_____	<u>X</u>	<u>X</u>

Emissions from Operations

Operation of the project would not cause or contribute substantially to any existing or projected air quality violation. According to CEQA guidance issued by the Bay Area Air Quality Management District (BAAQMD), a project would have potentially significant emissions impacts if it were to generate more than 2,000 vehicle trips per day. The proposed project would generate fewer than 500 vehicle trips per day, well below the BAAQMD's threshold for air quality analysis. Therefore, consistent with BAAQMD guidance, no quantitative analysis of operational air quality is required, and the project would not result in a significant effect with regard to operational air quality.

The project would be generally consistent with the San Francisco General Plan, the General Plan does not project a population increase in excess of that forecast in the *2000 Bay Area Clean Air Plan*, and the General Plan, Planning Code, and City Charter and Planning Code implement various Transportation Control Measures identified in the *Clean Air Plan* through the City's Transit First Program, bicycle parking requirements, transit development fees, and other actions. In light of the above, the project would not contribute considerably to cumulative air quality impacts.

Construction Emissions

Construction emissions would be temporary, but could cause adverse effects on local air quality. Emissions during project construction would be somewhat limited because much of the construction, with the exception of the project's proposed two additional floors, would occur within the existing building facade, thereby containing some dust and other emissions that might otherwise travel off-site. The BAAQMD, in its CEQA Guidelines, has identified a set of feasible PM₁₀ (particulate matter with a diameter of less than 10 microns) control measures for construction activities. The proposed project would include Mitigation Measure 1, p. 33, that would implement the appropriate BAAQMD measures by requiring the project contractor to water the site (with reclaimed water), cover soil and other materials, cover the trucks, and sweep the streets to minimize dust generation during excavation, storage, and transportation. The contractor also would minimize vehicle emissions by prohibiting idling of engines and by implementing a vehicle maintenance program. Because the proposed project would include this measure, it would not cause significant construction-related air quality effects.

Shadow

Section 295 of the Planning Code was adopted through voter approval of Proposition K in November 1984 to protect certain public open spaces from shadowing by new structures. Section 295 prohibits the issuance of building permits for structures or additions to structures greater than 40 feet in height that would shade property under the jurisdiction of, or designated to be acquired by, the Recreation and Park Commission, during the period from one hour after sunrise to one hour before sunset, unless the Planning and Recreation and Park Commissions determine that such shadow would be insignificant.

The proposed project includes the addition of two floors to the existing buildings, which would be set back from Montgomery Street and the south property line, as well as the acquisition of the light and air rights over the neighboring property to the south (831 Montgomery Street), which would effectively maintain 831 Montgomery Street as a one-story structure. The nearest Recreation and Park Department properties are Portsmouth Square, on Kearny Street between Clay and Washington Streets, and Maritime Plaza, an elevated open space on Battery Street between Clay and Washington Streets. Shadow-fan analysis prepared by the Planning Department indicates that the project would not cast any new shadow on properties protected by Planning Code Section 295.⁹ The project also would not cast new shadow on

⁹ Michael Li., San Francisco Planning Department, Memorandum to Lucian Blazej, Strategic Solutions, May 16, 2005. This document is available for review by appointment as part of the project environmental file at the Planning Department, 1660 Mission Street, in Project File No. 2004.0924E.

Sidney Walton Park, a Redevelopment Agency open space on Front Street between Jackson Street and Pacific Avenue.

Wind

The project would add two stories to the existing buildings. The additional building floors would be set back from Montgomery Street by 17 to 30 feet and set back from the south property line by six and 10 feet for approximately half the building depth, and therefore would not substantially increase the building mass. The project also proposes to acquire the light and air rights over the neighboring property to the south (831 Montgomery Street), which would effectively maintain 831 Montgomery Street as a single-story structure. The project would not add sufficient height or bulk to substantially change ground-level winds on or in the vicinity of the site, and the project would ensure the height of the property to the south would be maintained as one story; therefore the project would not result in a significant effect with regard to wind.

Conclusion

In light of the above, the project would not result in a significant impact on air quality, including shadow and wind.

7) <u>Utilities/Public Services</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Breach published national, state or local standards relating to solid waste or litter control?	_____	<u>X</u>	_____
(b) Extend a sewer trunk line with capacity to serve new development?	_____	<u>X</u>	_____
(c) Substantially increase demand for schools, recreation or other public facilities?	_____	<u>X</u>	_____
(d) Require major expansion of power, water, or communications facilities?	_____	<u>X</u>	<u>X</u>

The project site is within an urban area that is served by utilities and public services, including fire and police services, public schools, recreational facilities, solid waste collection, water, gas, and electricity. The proposed project, with 13 residential units and approximately 3,215 square feet of retail space, would not result in a substantial increase in the demand for public services and utilities on the site, and certainly not in excess of amounts expected and provided for in the project area. Thus, the project would not be expected to have any measurable impact on public services or utilities. The proposed project would be designed to incorporate water-conserving measures, such as installing low-flush toilets and urinals, as required by California State Building Code Section 402.0(c). The project would be undertaken in an area where all utilities and services are currently provided for, and no need for any expansion of public utilities or public service facilities is anticipated. Therefore, the project would not result in a significant impact on public services and utilities.

In light of the above, the project would not result in a significant impact on public services and utilities.

8) <u>Biology</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Substantially affect a rare or endangered species of animal or plant or the habitat of the species?	_____	<u>X</u>	<u>X</u>
(b) Substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species?	_____	<u>X</u>	<u>X</u>
(c) Require removal of substantial numbers of mature, scenic trees?	_____	<u>X</u>	<u>X</u>

The project site is located in a developed urbanized area, and the site is almost entirely covered by impervious surfaces. There are no existing trees on the site that could be affected by the proposed project. Because the project site is completely developed and has limited habitat value, the project would not affect any threatened, rare or endangered species or habitat, nor would the proposed project interfere with any resident or migratory species. In addition, there are two street trees along the project site's Montgomery Street frontage that the project sponsor would maintain. Based on the foregoing, the proposed project would not result in any significant effects related to biological resources.

9) <u>Geology/Topography</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Expose people or structures to major geologic hazards (slides, subsidence, erosion and liquefaction)?	_____	<u>X</u>	<u>X</u>
(b) Change substantially the topography or any unique geologic or physical features of the site?	_____	<u>X</u>	<u>X</u>

The San Francisco General Plan Community Safety Element contains maps that show areas of the City subject to geologic hazards. The project site is located in an area subject to groundshaking from earthquakes along the San Andreas and Northern Hayward Faults and other faults in the San Francisco Bay Area (Maps 2 and 3 of the Community Safety Element). The project site is near, but just outside of, a seismic hazard zone for liquefaction, as shown on the official State of California Seismic Hazards Zone Map for San Francisco prepared under the Seismic Hazards Mapping Act, issued in November 2001.¹⁰ According to the 1853 U.S. Coast Survey map of San Francisco, the site is close to the original shoreline

¹⁰ The Seismic Hazards Mapping Act was enacted in 1990 to protect the public from the effects of strong ground-shaking, liquefaction, landslides, or other ground failure, and from other hazards caused by earthquakes. This act requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones.

of San Francisco Bay; areas nearby were filled during the 1850s. The site is not within an area subject to seismically-induced landslides, according to the state Seismic Hazards Zone Map.

The final building plans would be reviewed by the Department of Building Inspection (DBI). In reviewing the building plans, DBI refers to a variety of information sources to determine existing hazards and assess requirements for mitigation. Sources reviewed include maps of Special Geologic Study Areas and known landslide areas in San Francisco as well as the building inspectors' working knowledge of areas of special geologic concern. DBI could require that site-specific soils and/or geotechnical report(s) be prepared in conjunction with permit applications.

The project site is not in an Alquist-Priolo Special Studies Zone,¹¹ and no known active fault exists on or in the immediate vicinity of the site. The potential for surface fault rupture at the site is extremely low. The closest active faults are the San Andreas Fault, approximately 8 miles southwest of Downtown, and the Hayward Fault, about 16 miles northeast of Downtown. Like the entire San Francisco Bay Area, the project site is subject to groundshaking in the event of an earthquake on these faults, although surface rupture at the site is unlikely.

Little or no excavation, grading, or soil removal is proposed as part of the project. Therefore, the project would not alter the topography of the site.

In light of the above, the project would not result in a significant effect related to geology.

10) <u>Water</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Substantially degrade water quality, or contaminate a public water supply?	_____	<u>X</u>	<u>X</u>
(b) Substantially degrade or deplete ground-water resources, or interfere substantially with groundwater recharge?	_____	<u>X</u>	<u>X</u>
(c) Cause substantial flooding, erosion or siltation?	_____	<u>X</u>	<u>X</u>

There is no current use of groundwater in the project area as a potable water supply. Therefore, the proposed project would not adversely affect a public water supply. The project site is covered completely by the existing buildings. The project would neither increase nor decrease the amount of impervious surface area, and therefore would not affect current runoff or groundwater. Because the project would include little or no excavation, groundwater conditions would not measurably be altered. Therefore, neither groundwater resources nor runoff and drainage would be adversely affected.

In light of the above, effects related to water resources would not be significant.

¹¹ California State Department of Conservation, Division of Mines and Geology (CDMG) *Cities and Counties Affected by Alquist-Priolo Earthquake Fault Zones as of May 1, 1998*, [http://www.consrv.ca.gov], November 16, 1998, and CDMG, *Fault Rupture Hazard Zones in California Alquist Priolo Earthquake Zoning Act*, Special Publication 42, Revised 1997.

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| 11) <u>Energy/Natural Resources</u> – Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
| (a) Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner? | _____ | <u>X</u> | <u>X</u> |
| (b) Have a substantial effect on the potential use, extraction, or depletion of a natural resource? | _____ | <u>X</u> | _____ |

The proposed project includes new residential units, retail space, and parking uses. Development of these uses would not result in the use of large amounts of fuel, water, or energy in the context of energy use throughout the City and region. The project demand would be typical for a project of this scope and nature and would meet, or exceed, current state and local codes and standards concerning energy consumption, including Title 24 of the California Code of Regulations enforced by DBI. For this reason, the project would not cause a wasteful use of energy, and would have a less-than-significant impact on energy.

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| 12) <u>Hazards</u> – Could the project: | <u>Yes</u> | <u>No</u> | <u>Discussed</u> |
| (a) Create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected? | _____ | <u>X</u> | <u>X</u> |
| (b) Interfere with emergency response plans or emergency evacuation plans? | _____ | <u>X</u> | <u>X</u> |
| (c) Create a potentially substantial fire hazard? | _____ | <u>X</u> | <u>X</u> |

The project site is located just outside of the area of the City regulated under the Maher Ordinance (Article 20 of the San Francisco Public Works Code; Article 22 of the San Francisco Health Code). The Maher Area encompasses the area of the City bayward of the original high tide line (largely the part of San Francisco created by landfill) where past industrial land uses and debris fill associated with the 1906 earthquake and bay reclamation often left hazardous waste residue in local soils and groundwater. The Ordinance requires preparation of a site history and, potentially, a remediation plan, in the event that more than 50 cubic yards of soil are to be disturbed. The Maher Ordinance area includes properties on the east side of Montgomery Street opposite the project block, but not within the west side, where the project site is located. A Phase I Environmental Site Assessment conducted for the property in 2000 revealed no evidence of any historical land uses at or near the project site that would warrant concern regarding potential soil or groundwater contamination.¹² Because the proposed project would involve renovation of

¹² PES Environmental Inc., *Phase I Environmental Site Assessment, 843-847 Montgomery Street, San Francisco, California*, May 4, 2000. This report is available for review by appointment as part of the project environmental file at the Planning Department, 1660 Mission Street, in Project File No. 2004.0924E.

an existing building, the project would include little or no ground-disturbing activities, and therefore, there is a minimal potential to encounter contaminated soil or groundwater, should such contamination exist beneath the site.

Hazardous Building Materials

The most likely potential for hazardous building materials to exist involves lead-based paint and asbestos; removal of which is regulated by State and City codes, and therefore, unlikely to result in a significant impact.

Lead-Based Paint

Given the age of the structures, which were built in 1911-1912, lead paint may be found on the exterior and the interior of the existing buildings. Work that could result in disturbance of lead paint must comply with Section 3407 of the San Francisco Building Code, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to December 31, 1978, Section 3407 requires specific notification and work standards, and identifies prohibited work methods and penalties. (The reader may be familiar with notices commonly placed on residential and other buildings in San Francisco that are undergoing re-painting. Generally affixed to a drape that covers all or portions of a building, these notices are a required part of the Section 3407 notification procedure.)

Section 3407 applies to the exterior of all buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces, unless demonstrated otherwise through laboratory analysis), and to the interior of residential buildings, hotels, and childcare centers. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the HUD Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbances or removal of lead-based paint. Any person performing work subject to the ordinance shall, to the maximum extent possible, protect the ground from contamination during exterior work; protect floors and other horizontal surfaces from work debris during interior work; and make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work. Clean-up standards require the removal of visible work debris, including the use of a High Efficiency Particulate Air Filter (HEPA) vacuum following interior work.

The ordinance also includes notification requirements and requirements for signs. Prior to the commencement of work, the responsible party must provide written notice to the Director of the Department of Building Inspection (DBI), of the address and location of the project; the scope of work, including specific location; methods and tools to be used; the approximate age of the structure; anticipated job start and completion dates for the work; whether the building is residential or nonresidential, owner-occupied or rental property; the dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone

number, and pager number of the party who will perform the work. (Further notice requirements include Requirements for sign when containment is required; Notice to occupants, Availability of pamphlet related to protection from lead in the home, and Early Commencement of Work.) The ordinance contains provisions regarding inspection and sampling for compliance by DBI, and enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

As noted in the project description, the building would undergo repainting and interior demolition as part of the project, which could disturb lead-based paint. These regulations and procedures by the San Francisco Building Code would ensure that potential impacts due to lead-based paint would be reduced to a level of insignificance.

Asbestos

Asbestos-containing materials could be found within the existing buildings, constructed in 1911-1912. Section 19827.5 of the California Health and Safety Code, adopted January 1, 1991, requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable Federal regulations regarding hazardous air pollutants, including asbestos. The Bay Area Air Quality Management District (BAAQMD) is vested by the California legislature with authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and is to be notified ten days in advance of any proposed demolition or abatement work.

Notification includes the names and addresses of operations and persons responsible; description and location of the structure to be demolished/alterd including size, age and prior use, and the approximate amount of friable asbestos; scheduled starting and completion dates of demolition or abatement; nature of planned work and methods to be employed; procedures to be employed to meet BAAQMD requirements; and the name and location of the waste disposal site to be used. The District randomly inspects asbestos removal operations. In addition, the District will inspect any removal operation when a complaint has been received.

The local office of the State Occupational Safety and Health Administration (OSHA) must be notified of asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in 8CCR1529 and 8CCR341.6 through 341.14 where there is asbestos-related work involving 100 square feet or more of asbestos-containing material. Asbestos removal contractors must be certified as such by the Contractors Licensing Board of the State of California. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services in Sacramento. The contractor and hauler of the material is required to file a Hazardous Waste Manifest which details the hauling of the material from the site and its disposal. Pursuant to California law, DBI would not issue the required permit until the applicant has complied with the notice and abatement requirements described above.

These regulations and procedures, already established as a part of the permit review process, would insure that any potential impacts due to asbestos would be reduced to a level of insignificance.

Fire Hazards; Emergency Response or Evacuation Plans

San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing and new buildings are required to meet standards contained in these codes. In addition, the final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department (as well as the Department of Building Inspection), in order to ensure conformance with these provisions. The proposed project would conform to these standards, which (depending on the building type) may include development of an emergency procedure manual and an exit drill plan. In this way, potential fire hazards (including those associated with hydrant water pressure and emergency access) would be mitigated during the permit review process.

Although occupants of the proposed building would contribute to congestion if an emergency evacuation of the Northeast Waterfront area were required, no substantial interference with emergency response plans or emergency excavation plans would be expected, given the relatively small scale of the project.

As rehabilitation and re-occupancy of an existing building with a typical residential use, the project would not result in any significant effects on emergency response plans or emergency evacuation plans.

In light of the above, the project would not result in a significant impact with regard to hazards or hazardous materials.

13) <u>Cultural Resources</u> – Could the project:	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
(a) Disrupt or adversely affect a prehistoric or historic archaeological site or a property of historic or cultural significance to a community or ethnic or social group; or a paleontological site except as a part of a scientific Study?	_____	<u>X</u>	<u>X</u>
(b) Conflict with established recreational, educational, religious or scientific uses of the area?	_____	<u>X</u>	_____
(c) Conflict with the preservation of buildings subject to the provisions of Article 10 or Article 11 of the City Planning Code?	_____	<u>X</u>	<u>X</u>

Archaeological Resources

The proposed project anticipates no, or minor soils disturbance as part of the foundation work, nor is excavation expected to accommodate the project's off-street parking spaces, which would be provided in the existing basement area, which occupies the entire footprint of the building.¹³ The project area is highly sensitive for Gold Rush period archeological resources. However, given the minor soils disturbance expected to result from the project, no adverse effect is expected to result from the proposed

¹³ PES Environmental, 2000 (see footnote 12, p. 8).

project. Should minor excavation be required as part of the project, and should potential archeological resources be encountered, construction would immediately stop, and the potential archeological resource would be evaluated by a qualified archaeological consultant, and the standard mitigation measure for accidentally discovered archaeological resources would be implemented, requiring appropriate evaluation, treatment and, if warranted, removal of any significant deposits. Mitigation Measure 2, p. 33, would ensure that potential effects on any previously unknown subsurface archaeological resources that may be encountered during excavation or construction are reduced to a less-than-significant level.

Architectural Resources

The proposed project would affect the two buildings at 837-843 and 847-851 Montgomery Street that are contributors to the Jackson Square Historic District, which is listed in Article 10 of the Planning Code. Because the two buildings are contributory to the historic district, they are considered historical resources under CEQA. A Planning Department preservation technical specialist who reviewed the project described the buildings as follows:

837-43 and 847-51 Montgomery Street reads as a unified facade. The primary elevation of 837-43 and 847-51 Montgomery Street faces east onto Montgomery Street. Taken together the facade is six bays in width and three stories high. The facade is symmetrical and divided into six sections by brick pilasters on the second and third floors. The facade is divided horizontally into three bands mimicking the Classical arrangement of plinth, shaft and capital, with the first floor as the plinth, the second and third floors as the shaft and the cornice as the capital. Belt courses of stucco covered brick forms the foundation of the building, graduating in height from north and south with the slope of the land. The windowsills, headers, and belt courses are corbelled brick covered with stucco. A galvanized metal cornice, incorporating a course of modillions and a course of dentil molding, caps the facade. The windows on the second and third floors are double-hung and made of wood, with a light pattern of one-over-one. Aside from the heavily altered first floor, walls of the second and third floor are brick laid Flemish Bond.¹⁴

According to a Historic Resources Evaluation prepared by an independent consultant,¹⁵ the two buildings were constructed not long after the 1906 earthquake and fire by Britton & Rey Company, a prominent early San Francisco lithography business that subsequently developed interests in real estate. The architect was Albert Pissis, who is renowned as the designer of many important late 19th and early 20th century buildings, including the Hibernia Bank, at Jones and McAllister Streets (City Landmark No. 130); the Flood Building, at Market and Powell Streets (City Landmark No. 154); the Mechanics' Institute, at 57-65 Post Street (City Landmark No. 134); the former White House department store at Sutter Street and Grant Avenue (now a parking garage); the former Crocker Bank Building at Sutter and Sansome Streets (now the exterior walls of the Citicorp Center courtyard); the Emporium, at 835-65 Market Street (demolished except for its facade as part of the ongoing Bloomingdale's project); and others.

¹⁴ Mark Luellen, Preservation Technical Specialist, San Francisco Planning Department, Historic Resources Evaluation, March 22, 2005 (based on revised drawings dated 3/2/05). This document is available for review by appointment as part of the project environmental file at the Planning Department, 1660 Mission Street, in Project File No. 2004.0924E.

¹⁵ Page & Turnbull, *Historic Resources Evaluation, 845 Montgomery Street, San Francisco, California*, April 14 2005. This report is available for review by appointment as part of the project environmental file at the Planning Department, 1660 Mission Street, in Project File No. 2004.0924E. Findings of this report are summarized in this Initial Study.

The northerly building on the project site, at 847-851 Montgomery, was built first, with permits having been issued in late 1910; permits for the structure at 837-843 Montgomery were issued in spring 1911. The plans by Pissis show identical facades for each building. However, the southerly building, at 837-843 Montgomery, was built somewhat larger than its neighbor, as it projected further west into the block. The buildings originally provided lodging house and hotel accommodations with ground floor retail/tavern/restaurant uses; however, over time, the buildings have been modified to accommodate, first, residential and, later, office uses on the upper floors. The ground floor of the buildings was the long-time location of Ernie's Restaurant until its closure in 1995. In 2000, the buildings were purchased by a new owner, who received permission from the City to renovate the buildings for office use and add two additional floors to the top of the buildings. Construction began, and foundation and seismic work and interior demolition occurred before the project was halted in 2001.¹⁶ The buildings were secured with temporary bracing, which still remains. The buildings were purchased by the current owner in 2004.

Jackson Square Historic District

Appendix B of Article 10 of the Planning Code describes the Jackson Square Historic District, which was designated San Francisco's first historic district in 1972. Section 5 of Appendix B sets forth the justification for designation of the Jackson Square Historic District, beginning with the history of the area and continuing with the following key characteristics:

(b) **Basic Nature of the Area.** The Historic District includes historically and architecturally significant buildings ranging from the 1850's to the early years of the present century. The vast majority of buildings are under 40 feet in height. The area is large enough to be viable, but yet is compact. It is predominantly oriented to the pedestrian rather than the automobile. There is a healthy and vital mixture of activities. Interior streets are narrow and there are no major through arteries. Streetscapes are an important part of the District's character.

(c) **Architectural Character.** There are common architectural features tying the area together and providing visual distinction and pleasure. These common elements, used throughout the District in varying patterns and emphases, pertain to overall form and continuity, scale and proportion, fenestration, materials, color, texture, detail and decorative features. A high quality of architecture of buildings and their features is well-distributed throughout the Historic District. Visual distinction is due in many cases to the original construction, often carefully restored, but in some cases it is due to thoughtful remodeling that captures the historic character of the District.

(d) **Uniqueness and Location.** Jackson Square includes the city's only surviving early commercial area. Its distinct quality is further enhanced by a Downtown location, affording an impressive contrast with the adjacent office core.

(e) **Visual and Functional Unity.** The Historic District, within the selected boundaries, has an identifiable scale and common architectural features. Narrow interior streets, street trees, quiet alleys, pedestrian orientation and intimacy of view in most of the District also contribute to its visual unity, as does the contrast with surrounding areas. In terms of function, there has been a coalescence of commercial development, uses and exterior building treatment.

¹⁶ Page & Turnbull (see note 15), p. 19. According to the project sponsor, asbestos and lead-paint remediation was undertaken as part of the 2000 project.

(f) **Dynamic Continuity.** Jackson Square is a continually evolving commercial area, not a static museum. The area has proven its capacity for incremental adaptation to new uses.

(g) **Benefits to the City and its Residents.** Economically, the area houses specialized enterprises which demand a unique, prestige location; and it is a vital part of the fabric of the historical City that attracts tourists and is actively promoted by the City for this very purpose. Culturally, it provides a strong historical and educational resource. Aesthetically, its architectural and visual appeal are immediate, while its value in terms of urban design within the City pattern as a whole is equally important.

Section 6 of Appendix B sets forth, in summary form, the features of the Jackson Square Historic District that should be preserved:

Overall Form and Continuity

- On interior streets, building height is generally well-related to street width. Buildings are typically two or three stories high at the street.
- Facades are continuous at the property line.

Scale and Proportion

- Ground floors are frequently high, some as much as 20 feet from street level, often with cornice separating them from upper floors, providing continuity along the street frontage. There is a regularity of overall form and proportion. On the ground floor this typically takes the form of bays closely spaced, 10 to 12 feet apart on center, with deep-set openings and inset entrances.
- Ground floor treatment is definitely open in nature, with openings separated by narrow stripings or pillars of brick or cast iron. The open emphasis orients the ground floors toward the pedestrian, with attractive show windows.

Fenestration

- Glazing is deeply recessed, producing a strong interplay between light and shade. Protruding window frames are common.
- Windows are narrow and vertical in emphasis, rhythmically spaced, and match the bay spacing below and the shape and proportion of windows in nearby buildings. Door openings are frequently narrow and high.
- At the upper floors, the proportion of windows to solid wall is typically less than 50 percent.

Materials

- Standard brick masonry is pre-dominant, at times exposed and at times painted, with thick bearing walls. Some buildings are stuccoed over the brick and some are concrete. The sides of buildings are frequently of brick and form a significant part of the view from the street where they are higher than adjacent buildings. Cast iron is often used in details and decorative features, notably in pilasters. Iron shutters are also found.

Color

- Red brick is typical. Earth tones pre-dominate, with painted brick, where it occurs, typically in muted but not timid tones. Reds, browns, yellows, greens, grays and blues are found.

Texture

- Typical facing materials give a rough, textured appearance.
- Overall texture of the facades is fine-grained.

Detail

- Arches are common at ground floor, and frequently upper floors.
- Upper terminal cornices as well as lower cornices are typical, often heavy and projecting.
- Classical features predominate, including pediments, columns or pilasters, and parapets.
- Frequent exposed anchor plates are visible, holding in place the tie rods used to prevent the bearing walls from bulging.

Decorative Features

- Characteristic signs and awnings are modest in size, restrained in design, do not obscure building features, and are integrated into the facade. Sign lettering is generally tasteful.
- There are many attractive and appropriate light fixtures.
- Well-designed planter boxes provide welcome touches of greenery.

As summarized by the Page & Turnbull Historic Resources Evaluation:

Despite diversity of age and function, the design of buildings in Jackson Square is largely consistent in regard to scale, massing, materials, color and fenestration. As a result of the neighborhood's increasingly marginal status during the late nineteenth and early twentieth centuries, many of the early brick buildings were never replaced, especially along Jackson and Montgomery Streets. Fully one-quarter of the buildings in the district were erected before 1890, a rarity in a city where buildings were rapidly replaced throughout the nineteenth century and whose commercial core was almost entirely gutted in 1906. The palette of materials is very consistent and unusual for San Francisco in the extensive use of brick and cast iron.¹⁷

Criteria for Evaluation of Significant Impact under CEQA

CEQA Section 21084.1 states that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” A “historical resource” is defined as one that is listed in, or determined eligible for listing in, the California Register of Historical Resources, one that is identified as significant in a local register of historical resources, such as Article 10 and Article 11 of the San Francisco Planning Code, or one that is deemed significant due to its identification in an historical resources survey meeting the requirements of Public Resources Code Section 5024.1(g). A “substantial adverse change” is defined in Section 15064.5(b)(1) of the state CEQA Guidelines as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” The significance of a historical resource is “materially impaired,” according to Guidelines Section 15064(b)(2), when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that:

¹⁷ Page & Turnbull (see note 15, p. 25), p. 8.

- convey its historic significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources (including a determination by the lead agency that the resource is eligible for inclusion in the California Register);
- account for its inclusion in a local register of historical resources adopted by local agency ordinance or resolution (in accordance with Public Resources Code Sec. 5020.1(k)); or
- account for its identification in a historical resources survey that meets the requirement of Public Resources Code Sec. 5024.1(g), including, among other things, that “the resource is evaluated and determined by the [State Office of Historic Preservation] to have a significance rating of Category 1 to 5 on DPR Form 523,” unless the lead agency “establishes by a preponderance of evidence that the resource is not historically or culturally significant.”

As noted above, the two buildings on the project site are considered historical resources under CEQA because they are contributory to the Jackson Square Historic District, listed in Article 10.

The state CEQA Guidelines indicate that projects that are consistent with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (“Secretary’s Standards”) generally “shall be considered as mitigated to a level of less than a significant impact on the historic resource” (Section 15064.5(b)(3)). In summary, the Secretary of the Interior’s Standards for Rehabilitation (“Secretary’s Standards”) call for:

- 1) a property to be used as it was historically or placed in a new use that “requires minimal change to [its] defining characteristics”;
- 2) preservation of historic character, including historic materials, features and spaces;
- 3) avoiding creation of “a false sense of historical development”;
- 4) recognizing and preserving changes that have become historic over time;
- 5) preservation of distinctive features and construction techniques or craftsmanship;
- 6) repair, rather than replacement of deteriorated historic features, where feasible;
- 7) foregoing harsh chemical or physical treatments to avoid damage to historic materials;
- 8) preservation of significant archeological resources;
- 9) undertaking additions and alterations, where necessary, that do not destroy historic materials, that differentiate new from old, and that are compatible with historic materials, features and spaces; and
- 10) designing additions such that, if later removed, the property would retain its historic integrity.

According to the Page & Turnbull Historic Resources Evaluation, the proposed project would be undertaken in conformance with the Secretary of the Interior’s Standards for Rehabilitation, the most flexible of the four treatments identified by the National Park Service for historic buildings (the others being preservation, restoration and reconstruction). According to the National Park Service, rehabilitation is defined as “the act or process of making possible a compatible use for a property through repair,

alterations, and additions while preserving the portions or features which convey its historical, cultural or architectural values.”¹⁸

Rehabilitation “assumes that existing historic fabric has become damaged or deteriorated over time, and as a result, more latitude is given to replacing damaged or missing materials, using either traditional or substitute materials. Of the four treatments identified above, rehabilitation alone allows for an opportunity to ‘make possible an efficient contemporary use through alterations and additions.’”¹⁹ Page & Turnbull found that the buildings have sustained a “considerable loss of historic fabric as part of the interior demolition work carried out during the previously permitted office renovation project in 2001. Vacant and partially open to the elements for several years, the buildings’ remaining historic fabric has visibly deteriorated.”¹⁹

Page & Turnbull concluded that the project would be consistent with the Secretary’s Standards:

The proposed project seeks to rehabilitate the vacant buildings by giving them a new use, and in the process, restore missing elements such as the storefronts. The primary character-defining features will be preserved, namely the Montgomery Street façade, including the windows, ornament and sheet metal cornice. Aside from the rooftop addition and new windows on the south and west façades, both changes that will not be visible from most public ways, the proposed project will not only stabilize the historic buildings and give them new life, but also restore their façades to be more in keeping with the period of significance (1912-1955). The restoration of the storefronts will be a significant benefit to the building and the surrounding historic district.²⁰

The Planning Department preservation technical specialist who reviewed the proposed project likewise found that the project would be consistent with the Secretary’s Standards.²¹

As noted above in the discussion of Criteria for Evaluation of Significant Impact, projects that are consistent with the Secretary’s Standards generally are considered to result in no significant impact on historical resources. However, it does not necessarily follow that lack of consistency with the Secretary’s Standards leads to a conclusion of a significant impact. In particular, the most important concept is that a “substantial adverse change” to a historical resource requires that the significance of an historical resource be “materially impaired” (through demolition, destruction, relocation, or alteration) such that there is demolition or material alteration of “those physical characteristics of the resource that ... account for its inclusion in a local register of historical resources adopted by local agency ordinance or resolution....”²²

¹⁸ Kay D. Weeks and Anne E. Grimmer, *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (Washington, D.C.: U.S. Department of the Interior, National Park Service, 1995), p. 61.

¹⁹ Page & Turnbull (see note 15, p. 25), p. 21.

²⁰ Page & Turnbull (see note 15, p. 25), p. 22.

²¹ Luellen (see footnote 14, p. 8).

²² As noted in the Significance Criteria, there are two other types of characteristics whose demolition or alteration can lead to material impairment: those that justify its listing in the California Register and those that justify its listing in “a historical resources survey that meets the requirement of Public Resources Code Sec. 5024.1(g)” However, because the buildings on the project site are part of a historic district “adopted by local agency ordinance,” the relevant characteristics for the proposed project are those identified in the text.

For a project that would not be consistent with the Secretary's Standards, the impact evaluation must determine whether the proposed changes would constitute "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired."

Page & Turnbull found that the proposed two-story addition would be "the most significant alteration" to the buildings, but that its impact would be minimized by the setbacks from Montgomery Street and by use of transparent materials, including a light-colored limestone cladding and glass railings.²³ Similarly, the effect of adding windows on the building's south facade, required for light and air to residential units, beginning 22 feet back from Montgomery Street, would be minimized because the new windows would be visible only from a relatively small section of the east side of Montgomery Street (over the adjacent building to the south). The new windows would be recessed, with fixed metal frames, cast concrete sills, and simple steel lintels, following a generally horizontal orientation and avoiding decorative brick jack arches in order to differentiate between the old and new windows. The new windows would occupy less than 20 percent of the total wall area. New windows in the west facade would not be visible from any public rights-of-way.²⁴ According to Page & Turnbull, the rehabilitated storefronts would be compatible with the original design of the buildings, and "more compatible with the Jackson Square Historic District than many others in the neighborhood."²⁵

Conclusion

In light of the above, the proposed project would be consistent with most of the characteristics and features of the Jackson Square Historic District set forth above. Given that the proposed project would not alter the existing buildings in such a way as to render them incompatible with the historic district, the project would not constitute "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired," and therefore, the project would not result in a significant impact under CEQA on historical resources.

Cumulative Effects on Jackson Square Historic District

Of the approximately 83 buildings in the Jackson Square Historic District, some 19 have been altered since the district was created in 1972. According to Page & Turnbull, "the great majority of these changes are compatible with the character of district." In addition, six new buildings have been constructed in the past three decades, of which four replaced surface parking lots. Two of the new buildings resulted in demolition of then-existing structures: 565 Pacific Avenue, which replaced a single-story metal and enamel structure erected in 1938; and 435 Pacific Avenue, which replaced a 1916 single-story masonry structure. In addition, the bulk of 722 Montgomery and 728-730 Montgomery have recently been demolished, and only their facades appear to have been preserved.

²³ Page & Turnbull (see note 15, p. 25), p. 26.

²⁴ Page & Turnbull (see note 15, p. 25), p. 25.

²⁵ Page & Turnbull (see note 15, p. 25), p. 24.

In light of these “modest” changes to Jackson Square since the historic district’s creation, Page & Turnbull determined that the proposed additions to 845 Montgomery Street, which, as noted above, would be generally consistent with the characteristics and features of the historic district, would not “compound or increase the environmental impacts on the Jackson Square Historic District.” and thus would not result in an adverse cumulative impact, because the incremental effects of the project, in connection with the effects of past projects (and other reasonably foreseeable projects) would not result in a significant adverse change to the historic district.

In light of the above, the project would not result in any significant cumulative impacts on the Jackson Square Historic District.

Certificate of Appropriateness

The discussion of significant impacts under CEQA is distinct from the findings that would be required for the project to be granted a Certificate of Appropriateness. For a Certificate of Appropriateness to be granted, it must be found that “any new construction, addition or exterior change shall be compatible with the character of the historic district as described in the designating ordinance; and, in any exterior change, reasonable efforts shall be made to preserve, enhance or restore, and not to damage or destroy, the exterior architectural features of the subject property which are compatible with the character of the historic district.” (Planning Code Sec. 1006.7(c)).

The Planning Commission must hold a hearing on an application for a Certificate of Appropriateness. Prior to that hearing, the application is referred to the Landmarks Preservation Advisory Board (LPAB), which may consider the application and make a recommendation thereon to the Planning Commission (Planning Code Sec. 1006.4).

The Secretary of the Interior’s Standards for the Treatment of Historic Properties (Secretary’s Standards) have been adopted by the San Francisco Landmarks Preservation Advisory Board (Landmarks Board) provide a framework to review projects under Article 10.

D. MITIGATION MEASURES

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	<u>Discussed</u>
1) Could the project have significant effects if mitigation measures are not included in the project?	<u>X</u>	<u> </u>	<u> </u>	<u>X</u>
2) Are all mitigation measures necessary to eliminate significant effects included in the project?	<u>X</u>	<u> </u>	<u> </u>	<u>X</u>

The following are mitigation measures that have been agreed to by the project sponsor to avoid potentially significant effects of the proposed project.

CONSTRUCTION AIR QUALITY

Mitigation Measure 1 – Construction Air Quality

To reduce particulate emissions, the project sponsor shall require the contractor(s) to spray demolition sites with water during demolition, excavation, grading and site prepared activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soil, sand or other such material; and sweep surrounding streets during these periods at least once per day. Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the project sponsor would require that the contractor(s) obtain reclaimed water from the Clean Water Program for this purpose. The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and implementation of specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.

CULTURAL RESOURCES

Mitigation Measure 2 – Archeological Resources

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Sections 15064.5(a) and (c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program

or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

E. OTHER	<u>Yes</u>	<u>No</u>	<u>Discussed</u>
Require approval and/or permits from City Departments other than Planning Department or Department of Building Inspection, or from Regional, State, or Federal Agencies?	<u>X</u>	<u> </u>	<u>X</u>

A summary of the permit approvals required from other agencies is provided in Section I of this Initial Study (see p. 7).

E. MANDATORY FINDINGS OF SIGNIFICANCE Yes No Discussed

- | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|----------|----------|
| 1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or pre-history? | _____ | <u>X</u> | <u>X</u> |
| 2) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | _____ | <u>X</u> | _____ |
| 3) Does the project have possible environmental effects which are individually limited, but cumulatively considerable? (Analyze in the light of past projects, other current projects, and probable future projects.) | _____ | <u>X</u> | <u>X</u> |
| 4) Would the project cause substantial adverse effects on human beings, either directly or indirectly? | _____ | <u>X</u> | _____ |

F. ON THE BASIS OF THIS INITIAL STUDY

- _____ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Department of City Planning.
- X I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because the mitigation measures, numbers 1-2 in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.
- _____ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

June 3, 2005

Date

PAUL E. MALTZER
Environmental Review Officer for
DEAN L. MACRIS
Director of Planning
Planning Department

